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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,997	10/26/2001	Kevin Lauren Cote	600.1178	3643

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DAVIDSON, DAVIDSON & KAPPEL, LLC
14th Floor
485 Seventh Avenue
New York, NY 10018

EXAMINER	
NGUYEN, PHONG H	
ART UNIT	**PAPER NUMBER**
3724	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/035,997	COTE ET AL.	
	Examiner	Art Unit	
	Phong H. Nguyen	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 March 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11 and 21-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11 and 21-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. In view of the Appeal brief filed on 03/16/2007, PROSECUTION IS HEREBY REOPENED. New grounds of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-8, 10 and 21-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Sarring (3,722,336).

Regarding claim 1, Sarring teaches a transfer apparatus comprising:

a transfer element (1008, 1009, 1010, 1290, 1292 & 1294, Fig. 27) configured to grip the sheet material article 24 and move the sheet material article in a transfer direction onto a moving side table (1490, Fig. 34) of the sheet material article trimmer; and

a driver (1392) configured to move the transfer element at a same speed as the moving side table during a first time period (between 280°-320° of time through cycle,

Fig. 38), the speed of the side table and the transfer element varying during the first time period (between 0°-280° of time through cycle, Fig. 38), when the sheet material article is gripped by the transfer element and the side table is moving in the transfer direction.

Regarding claim 2, the drive is configured to move the sheet material article to a predetermined position (between 0°-280° of time through cycle, Fig. 38) relative to the side table before moving the transfer element at the same speed as the side table.

Regarding claim 3, a side clamp (1430) for gripping the sheet material article is best seen in Fig. 35.

Regarding claim 4, a side trimming operation is performed between 280°-320° of time through cycle. See Fig. 38.

Regarding claim 5, the transfer element has the same speed as a front table 978 at 0°-10° of time through cycle when the transfer element and a front clamp 764 grips the sheet material article. See Figs. 4, 5 and 38.

Regarding claim 6, the transfer element has the same speed as a receiving conveyor (1361, 1334 & 1360) to move the sheet material article from the side table to the receiving conveyor. See Fig. 33.

Regarding claims 7 and 8, continuous belts (1010 &1294) are best seen in Fig. 33.

Regarding claim 10, Sarring teaches an epicycle gear unit 1392 driven by a main trimmer drive (a main gear that drives wheels 1421 and extension shaft 1390) comprising a constant input member (as evidenced by a constant rotational speed of sprocket 1421 to provide a constant speed for a delivery table 1410) and a variable input member for varying the speed of the transfer element.

Regarding claim 21, the transfer element and the side table have the same speed between 280°-320° of time through cycle. See Fig. 38.

Regarding claim 22, a 130° of reciprocating motion of the side table is best seen in Fig. 38.

Regarding claim 23, a curved velocity profile of the transfer element is best seen in Fig. 38.

Regarding claim 24, the transfer element increases speed between 40°-160° of time through cycle and reduces speed right after 160° time through cycle. See Fig. 38.

Regarding claim 25, Sarring teaches a transfer apparatus comprising:

a transfer element (1008, 1009, 1010, 1290, 1292 & 1294, Fig. 27) configured to grip the sheet material article 24 and move the sheet material article in a transfer direction onto a moving side table (1490, Fig. 34) of the sheet material article trimmer; and

a driver (1392) configured to move the transfer element at a same speed as the moving side table during a first time period (between 280°-320° of time through cycle, Fig. 38), the speed of the side table and the transfer element varying during the first time period (between 0°-280° of time through cycle, Fig. 38), when the sheet material article is gripped by the transfer element and the side table is moving in the transfer direction;

the driver including an epicycle gear unit driven by a main trimmer drive (a main gear that drives wheels 1421 and extension shaft 1390) comprising a constant input member (as evidenced by a constant rotational speed of sprocket 1421 to provide a constant speed for a delivery table 1410) and a variable input member for varying the speed of the transfer element.

Claim Rejections - 35 USC § 103

4. Claims 9-11 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarring (3,722,336)

Regarding claim 9, Sarring teaches the invention substantially as claimed except for the transfer element being a shuttle mechanism. Applicant's admitted prior art, hereinafter AAPA, teaches the art equivalence of the belts and the shuttle mechanism. See paragraph [100]. Therefore, it would have been obvious to one skilled in the art to use a shuttle mechanism instead of belts to transfer the sheet material article to the side table since it has been held that substituting equivalents known for the same purpose is obvious to one skilled in the art. See MPEP. 2144.06.

Regarding claim 10, to the degree that it can be argued that the gear unit 1392 in Sarring is not an epicycle gear unit, it would have been obvious to one skilled in the art to replace the gear unit 1392 with an epicycle gear unit as explained below.

The gear unit 1392 in Sarring is used for varying the speed of conveyor belts. AAPA teaches using an epicyclical gear unit for changing speed of conveyor belts being well known in the art. See paragraph [102]. Therefore, Sarring's gear unit 1392 and an epicycle gear unit are art equivalents known for being used to change the speed of the conveyor belts.

Since it has been held that substituting equivalents known for the same purpose is obvious to one skilled in the art, it would have been obvious to one skilled in the art to

replace the gear unit 1392 with an epicycle gear unit for varying speed of the conveyor belts. See MPEP. 2144.06.

Regarding claim 11, Sarring teaches using the gear unit 1392 for varying speed of the transfer element. AAPA teaches using a servomotor for varying speed of a transferring element being well known in the art. See paragraph [102]. Therefore, Sarring's gear unit 1392 and a servomotor are art equivalents known for being used to change speed of a transfer element.

Since it has been held that substituting equivalents known for the same purpose is obvious to one skilled in the art, it would have been obvious to one skilled in the art to replace the gear unit 1392 with a servomotor for varying speed of the transfer element. See MPEP. 2144.06.

Regarding claim 25, to the degree that it can be argued that the gear unit 1392 in Sarring is not an epicycle gear unit, claim 25 is rejected as follows:

Sarring teaches a transfer apparatus comprising:

a transfer element (1008, 1009, 1010, 1290, 1292 & 1294, Fig. 27) configured to grip the sheet material article 24 and move the sheet material article in a transfer direction onto a moving side table (1490, Fig. 34) of the sheet material article trimmer; and

a driver (1392) configured to move the transfer element at a same speed as the moving side table during a first time period (between 280°-320° of time through cycle, Fig. 38), the speed of the side table and the transfer element varying during the first time period (between 0°-280° of time through cycle, Fig. 38), when the sheet material article is gripped by the transfer element and the side table is moving in the transfer direction.

Sarring teaches using the gear unit 1392 but not an epicycle gear unit for varying the speed of conveyor belts. AAPA teaches using an epicycle gear unit for changing speed of conveyor belts being well known in the art. See paragraph [102]. Therefore, Sarring's gear unit 1392 and an epicycle gear unit are art equivalents known for being used to change the speed of the conveyor belts.

Since it has been held that substituting equivalents known for the same purpose is obvious to one skilled in the art, it would have been obvious to one skilled in the art to replace the gear unit 1392 with an epicycle gear unit for varying speed of the conveyor belts. See MPEP. 2144.06.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phong H. Nguyen whose telephone number is 571-272-4510. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PN:

July 6, 2007

BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER